

**Ballinger, et al.**  
**U.S. Application No. 09/835,996**

### **REMARKS**

Upon entry of the foregoing amendments, claims 10-12 are under consideration and pending in the application.

In response to the September 30, 2003 Restriction Requirement issued in the above identified application Applicants elect with traverse Group III claims 10-12, drawn to an isolated polypeptide of SEQ ID NO: 27. Since the polynucleotides of Groups I and II encode the polypeptides of Group III, it would be convenient to examine these groups at the same time. Applicants therefore respectfully traverse the restriction requirement as applied to claim Groups I, II, and III, and request that these groups be examined simultaneously. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

Pursuant to 37 CFR 1.141, upon the allowance of the product claims, Applicants respectively reserve the right of rejoinder of Group IX, claim 20, drawn to a method of producing the polypeptide.

No change in inventorship under 37 C.F.R. §1.48(b) is merited by the instant amendment of claims under 37 C.F.R. §1.121 and as such, no request under 37 C.F.R. §1.48(b) or fee under 37 C.F.R. §1.17(i) are submitted

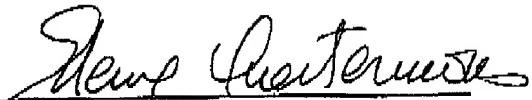
### **CONCLUSION**

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance, and a Notice of Allowance is respectfully requested as soon as possible. If there are any questions regarding these amendments and remarks, or if further discussion would expedite allowance of the claims, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

**Ballinger, et al.**  
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